

ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.105, 455B.113 and 455B.173, the Environmental Protection Commission hereby amends Chapter 40, “Scope of Division—Definitions—Forms—Rules of Practice,” Chapter 41, “Water Supplies,” Chapter 42, “Public Notification, Public Education, Consumer Confidence Reports, Reporting, and Record Maintenance,” Chapter 43, “Water Supplies—Design and Operation,” and Chapter 83, “Laboratory Certification,” Iowa Administrative Code.

In January 2006, the U.S. Environmental Protection Agency (EPA) promulgated two new significant federal rules pertaining to drinking water: the Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2 DBPR) and the Long-Term 2 Enhanced Surface Water Treatment Rule (LT2 ESWTR). In addition, other changes, primarily in analytical methods, were made between January 2004 and March 2007 to existing federal drinking water rules. States are expected to incorporate these federal rule provisions into state program rules in order to maintain primacy in the drinking water program. These amendments will accomplish that end. In addition, other amendments to the Department’s drinking water rules are included.

The changes are summarized below by chapter.

Chapter 40: The amendments add a reference to Chapter 38 and remove a reference to Chapter 47 from the rule pertaining to the scope of the division (Chapters 38 and 40 contain private and public drinking water supply rules); add definitions for the following: bag filters, bank filtration, cartridge filters, combined distribution system, finished water, flowing stream, GAC20, lake/reservoir, locational running annual average (LRAA), membrane filtration, plant intake, presedimentation, significant deficiency, two-stage lime softening, uncovered finished water storage facility, and wholesale system; amend definitions of consecutive public water supply, GAC10, nontransient noncommunity water system, and Ten States Standards; correct the name of the University Hygienic Laboratory to State Hygienic Laboratory; and correct a typographic error.

Chapter 41: The amendments require systems collecting at least six routine total coliform samples to do so on separate days to meet the federal rule; amend analytical methods; adopt Stage 2 DBPR and rescind parts of the existing Stage 1 disinfectants/disinfection byproducts rule that are no longer applicable; update the uranium detection limit; and make other minor corrections.

Chapter 42: The amendments include the public notification and consumer confidence report requirements for the new LT2 ESWTR and Stage 2 DBPR.

Chapter 43: The amendments include the requirement of the Department to maintain a list of certified operators; update the construction standards to the 2007 edition of Ten States Standards and 2010 American Water Works Standards; clarify the duration of a construction permit; update the best available technology for disinfection byproducts; require at least 0.5 log inactivation of *Giardia lamblia* cysts in treatment of surface or influenced groundwater sources; clarify CT ratio requirements; include the requirements for the new LT2 ESWTR and Stage 2 DBPR; remove outdated Stage 1 DBPR requirements; adopt the optimization goals for turbidity; adopt new CT tables for *Cryptosporidium* treatment; and correct rule citations.

Chapter 83: The amendments rescind a reference to Chapter 47; correct the name of the University Hygienic Laboratory to State Hygienic Laboratory; correct certification of SHL to be acceptable to EPA; update the drinking water disinfection byproduct certification requirements from Stage 1 DBPR to Stage 2 DBPR.

These chapters and their amendments were reviewed by the water supply technical advisory group at a meeting held on January 27, 2011. The group is comprised of individuals representing a wide variety of water supply stakeholders, including professional drinking water organizations, certified operators, certified environmental laboratories, environmental interests, public water supplies,

consulting engineers, and other state agencies. A second meeting with the group was held on June 21, 2011, to review the jobs impact statement, fiscal impact statement, and Governor's preclearance form.

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 7, 2011, as **ARC 9737B**. One public hearing was held, and two letters of support for the rule making were received during the public comment period. The rule making was also presented to the Administrative Rules Review Committee (ARRC) on October 11, 2011. Paragraph 43.3(3)"a" in Item 41 was changed as a result of the comments received from the ARRC members. The third sentence was changed to include delays due to exceptional weather as well as winter season delays. The fourth sentence was changed to clarify when an extension to a permit may be issued in a multiphase project. Paragraph 43.3(3)"a" now reads as follows:

"a. Construction permit issuance conditions. A permit to construct shall be issued by the director if the director concludes from the application and specifications submitted pursuant to 43.3(4) and 567—40.4(455B) that the project will comply with the rules of the department. The construction of the project must begin within one year from the date the permit was issued; if it is not, the permit is no longer valid. If construction is ongoing and continuous (aside from delays due to winter or exceptional weather) and the permitted project cannot be completed within one year, the permit shall remain valid until the project is completed. The department may grant an extension of the permit for a multiphase project, for a maximum two additional years."

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 17A.3(1)"b," 455B.113 to 455B.115, 455B.171 to 455B.188, and 455B.190 to 455B.192.

These amendments will become effective on January 18, 2012.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 40 to 43, 83] is being omitted. With the exception of the change noted above, these amendments are identical to those published under Notice as **ARC 9737B**, IAB 9/7/11.

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[For replacement pages for IAC, see IAC Supplement 12/14/11.]